

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NRRM, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23 CV 1333 CDP
)	
CONSUMERS UNIFIED, LLC,)	
d/b/a ConsumerAffairs, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

I ordered plaintiff NRRM, LLC, to show cause why this action should not be immediately stayed for the reasons set out in defendants' Motion for Immediate Stay. NRRM failed to timely respond to the show cause order, and I granted the Motion for Immediate Stay for the reasons stated therein. NRRM now seeks leave to file its response to the show cause order out of time. I will grant NRRM's motion for leave. However, having considered NRRM's arguments raised in its response to show cause order, I will not set aside my Order staying this case.

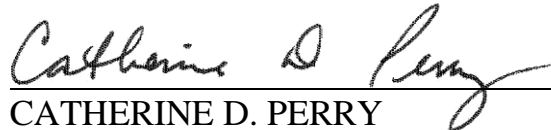
NRRM agrees that two courts should not decide the same issues, but it contends that I should nevertheless decide the issues raised in its motion for preliminary injunction filed in this case, arguing that they are not before the Oklahoma court in the related case pending there. I disagree. First, NRRM's filings in the Oklahoma case show that, for purposes of seeking to dismiss that action under an exception to the first-to-file rule, NRRM appears to concede that the two cases involve substantially the same

parties and substantially the same claims and could be considered mirror images of each other. (*See* Pltf.'s Resp. to Show Cause Order, Exh. 1, Brief in Supp. of Mot. Dism. at pp. 4-5.) Moreover, my proceeding to address and impose injunctive relief on issues arising out of the same transaction or occurrence that is the subject matter of the action pending in Oklahoma thwarts the general policy against multiplicity of litigation embodied in Rule 13(a), Federal Rules of Civil Procedure. *See* 6 Charles A. Wright, et al., *Fed. Prac. & Proc. Civ.* § 1418 (3d ed. 2008). Staying this case during the pendency of the motion to dismiss or to transfer that is presently before the district court in *Consumers Unified, LLC, et al. v. NRRM, LLC, et al.*, Case No. 4:23CV436 JFJ (N.D. Okla.), is therefore appropriate.

Accordingly,

IT IS HEREBY ORDERED that plaintiff NRRM, LLC's Motion for Leave to File Response to Order to Show Cause Out of Time [25] is **GRANTED**, and the Clerk of Court shall docket NRRM's Response (ECF 25-1) forthwith. To the extent NRRM asks that I vacate my Order staying this case in its entirety, that request is **DENIED**.

IT IS FURTHER ORDERED that the Motion to Appear Pro Hac Vice by attorney Barbara M. Moschovidis [26] is **GRANTED**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 11th day of December, 2023.